

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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National

1- Report: U.S. oil producers burning record amount of natural gas, Houston Chronicle, 12/6/19

<https://www.houstonchronicle.com/business/energy/article/Report-U-S-oil-producers-burning-record-amount-14887130.php>

U.S. oil companies are wasting a record amount of natural gas instead moving it to market and selling it, a new report from the Energy Information Administration shows.

2 – Americans broadly accept climate science, but many are fuzzy on the details, Washington Post, 12/9/19

<https://wapo.st/2PuY7Ls>

Americans remain shaky on the details of climate science even as they have grown increasingly concerned about human activity warming the Earth, according to a national poll by The Washington Post and the Kaiser Family Foundation (KFF) that probed the public's understanding of climate change.

3 - Lawmakers look to clinch deal on spending, taxes, miners, E&E News, 12/9/19

<https://www.eenews.net/eedaily/2019/12/09/stories/1061760483>

Congressional negotiators met throughout the weekend hoping to strike a year-end spending deal, with energy tax breaks and relief for retired coal miners on the line. Appropriations subcommittees handed off their bills to committee leaders on Friday afternoon with a goal of having them resolve any final sticking points.

4 – EDITORIAL: The World Solved the Ozone Problem. It Can Solve Climate Change., The New York Times, 12/7/19

<https://www.nytimes.com/2019/12/07/opinion/sunday/ozone-climate-change.html>

The world, confronted with two dire threats to the earth's fragile atmosphere, found two planetary responses with positive outcomes. The ozone layer is healing. That's worth remembering as we struggle to find common ground in the battle against climate change.

5 – Air office appointee fought climate, emission rules, E&E News, 12/6/19

<https://www.eenews.net/stories/1061740807>

Karl Moor on Monday joined the Office of Air and Radiation as a deputy assistant administrator, the agency confirmed this morning. Once a staffer in the Reagan administration and on Capitol Hill, Moor has in recent decades fought stricter environmental protections and climate policies in court.

6 – Biofuel blending quotas on EPA radar, Northwest Arkansas Democrat-Gazette, 12/8/19

<https://www.nwaonline.com/news/2019/dec/08/biofuel-blending-quotas-on-epa-radar-20/>

The EPA is seeking to issue a final rule setting 2020 biofuel blending quotas by Dec. 20, the agency's chief told industry representatives in phone calls late last week.

Texas

7 - Further accountability from TPC, agencies demanded in Port Arthur, Port Arthur News, 12/7/19

<https://www.panews.com/2019/12/07/further-accountability-from-tpc-agencies-demanded-in-port-arthur/>

Port Arthur citizens expressed concerns about the effects the Nov. 27 TPC Group Port Neches Operations explosions had on them as well as the information — or lack thereof — the company has disseminated during a town hall meeting Saturday at Empowerment Church on Memorial Boulevard.

8 – Residents say high cancer rate caused by nearby rail yard, ABC 13, 12/6/19

<https://abc13.com/health/residents-say-high-cancer-rate-caused-by-nearby-rail-yard/5738171/>

Residents of Kashmere Gardens in Fifth Ward say they have been dealing with a detrimental problem for years. "All our neighbors are dead. We have one, two, three, four original people. Everyone else has died off from cancer," a concerned neighbor Sandra Edwards shared.

9 - Cancer cluster identified in Houston neighborhood near Union Pacific railyard's creosote contamination, Houston Chronicle, 12/5/19

<https://www.houstonchronicle.com/business/article/Cancer-cluster-identified-in-Houston-neighborhood-14885972.php>

State officials have identified a cancer cluster in a north Houston neighborhood near a site contaminated over many decades by railroad operations that treated wooden ties with the hazardous product creosote.

10 – OPINION: No One Should Have to Breathe These Chemicals, The New York Times, 12/6/19

<https://www.nytimes.com/2019/12/06/opinion/port-neches-tx-explosion.html>

While families celebrated Thanksgiving, more than 50,000 people in Port Neches, Tex., were forced to evacuate from their homes and spend the holiday in makeshift shelters. The reason? Two explosions at the Texas Petroleum Chemical plant sent flames into the sky, injured eight people, and released plumes of butadiene, a carcinogen, into the air.

11 – OPINION: Unlearning the costly lessons of West, Waco Tribune, 12/7/19

https://www.wacotrib.com/opinion/columns/guest_columns/gale-pearson-unlearning-the-costly-lessons-of-west/article_2ec86834-dd1c-5ddf-b53c-651f4fa6b127.html

The volunteer firefighters who ran toward danger and perished in the West fertilizer plant explosion in 2013 deserve more from our leaders in Washington, D.C. While the community of 2,800 is doing its best to rebuild and honor the heroism on display that day six and a half years ago, one of the lasting tragedies is that the loss of life and incredible destruction of property caused by the explosion could have been so easily prevented with common sense and business-friendly rules for storage of volatile chemicals.

11 – OPINION: New report: Budgets for industry oversight are shrinking as industry profits, and disasters, grow, Houston Chronicle, 12/8/19

<https://www.houstonchronicle.com/opinion/outlook/article/New-report-Budgets-for-industry-are-shrinking-as-14884483.php#>

The Trump EPA's gutting of regulations meant that industry was never required to implement important protections for public safety, such as third-party audits of safety plans, root-cause analyses of disasters and anonymous reporting of safety violations. Now, companies such as TPC no longer have to inform communities or first-responders about the chemicals they have on site.

Louisiana

12 – New Orleans youth join national climate strike, take demands to City Hall, New Orleans Times-Picayune, 12/6/19

https://www.nola.com/news/environment/article_c0f0e308-186d-11ea-ae51-8b57d806b612.html

About 200 protesters gathered outside City Hall in New Orleans on Friday in alliance with a national youth-led climate strike. Speakers, some as young as 11, demanded city leaders take action to curb greenhouse gas emissions.

13 – Carbon-capture gambit: San Juan carbon capture project gains momentum, Albuquerque Journal, 12/9/19

<https://www.abqjournal.com/1399150/carboncapture-gambit.html>

Farmington and Enchant Energy Corp. are aggressively pursuing a plan to convert the coal-fired San Juan Generating Station into the world's largest carbon-capture and sequestration facility, despite broad skepticism about the project's feasibility and benefits.

New Mexico

14 – Nambe Tribal Member Raises Concerns About Monarch's Medical Waste Facility, Los Alamos Reporter, 12/8/19

<https://losalamosreporter.com/2019/12/08/nambe-tribal-member-raises-concerns-about-monarchs-medical-waste-facility/>

Nambe Pueblo tribal member Marquel Musgrave told EPA officials Wednesday that she is submitting a petition to the Tribal Council in opposition to the Monarch Waste Technologies hospital medical infection waste disposal facility on Nambe tribal land.

15 – Meeting Thursday In Espanola On EPA, NMED Handling Of Local Superfund Site, Los Alamos Reporter, 12/8/19

<https://losalamosreporter.com/2019/12/08/meeting-thursday-in-espanola-on-epa-nmed-handling-of-local-superfund-site/>

The Rio Arriba Community Health Council has jumped into action after hearing a presentation by a local student attending University of New Mexico Law School. Mara Yarbrough had decided to research the Española Superfund Site for a class in environmental law.

Arkansas

16 – Dicamba rules of usage focus of Little Rock meeting, Northwest Arkansas Democrat Gazette, 12/8/19

<https://www.nwaonline.com/news/2019/dec/08/dicamba-rules-of-usage-focus-of-lr-meet/>

The state Plant Board expects another big crowd Wednesday when it meets at a Little Rock hotel to hash out rules for the use of dicamba next crop season. The board has recommended a May 25 cutoff date on spraying a herbicide that, while effective against weeds now resistant to other herbicides, can damage or kill other vegetation, including fruits and vegetables, and ornamental shrubs and trees.

BUSINESS // ENERGY

Report: U.S. oil producers burning record amount of natural gas

Sergio Chapa

Dec. 6, 2019

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U.S. oil companies are wasting a record amount of natural gas instead moving it to market and selling it, a new report from the Energy Information Administration shows.

Photo: Spencer Platt, Staff / Getty Images

U.S. oil companies are wasting a record amount of natural gas instead moving it to market and selling it, a new report from the Energy Information Administration shows.

In a pair of industry practices known as venting and flaring, oil companies that don't have their wells connected to natural gas pipelines either release into the atmosphere or burning off on site. The natural gas is a byproduct of drilling for oil, which is a more valuable product.

per million British thermal units, that's roughly \$1.1 billion worth of natural gas burned off or wasted per year.

[Flaring Under Fire: Pipeline operator sues Railroad Commission](#)

Texas oil wells accounted for 51 percent of the flaring and venting activity while oil wells in North Dakota accounted to 31 percent.

Vented and flared natural gas increased to 1.25 percent of overall production from 0.84 percent reported in 2017.

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The industry practice of flaring has come under fire in Texas where Oklahoma pipeline operator Williams recently filed an anti-flaring lawsuit against the Railroad Commission of Texas, the state agency that regulates the oil and natural gas industry.

In its lawsuit, Williams argued that the agency grants natural gas flaring permits too easily instead of requiring oil producers to move it to market and sell it.

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Americans broadly accept climate science, but many are fuzzy on the details

By Emily Guskin, Scott Clement and Joel Achenbach

Dec. 9, 2019 at 7:00 a.m. CST

Americans remain shaky on the details of climate science even as they have grown increasingly concerned about human activity warming the Earth, according to a national poll by The Washington Post and the Kaiser Family Foundation (KFF) that probed the public's understanding of climate change.

The rising alarm is one of the poll's most dramatic findings. In just five years, the percentage of people calling climate change a "crisis" has jumped from 23 percent to 38 percent.

More than 3 in 4 U.S. adults and teenagers alike agree that humans are influencing the climate. The overwhelming majority of them said it's not too late for society to come up with solutions, but a third of adults who say humans are causing climate change don't think they can personally make a difference, the poll found.

AD

The poll suggests that many Americans remain early on the learning curve when it comes to knowing what's causing climate change and global warming. For example, 43 percent of adults and 57 percent of teens cited “plastic bottles and bags” as a “major” contributor to climate change, which is incorrect. That response may echo a recent burst of news media attention to plastic pollution in the oceans.

More than a third of Americans, 37 percent, cited “the sun getting hotter” as a major contributor, and another 21 percent called it a minor contributor. Solar activity varies on a regular cycle, but the sun has shown no net increase in radiance since 1950 and is a negligible factor in the observed spike in atmospheric temperature, according to NASA.

Nearly 6 in 10 adults correctly said that driving cars and trucks is a “major” contributor, while about 3 in 10 called it minor and the rest said it's not a contributor or they simply didn't know. In fact, the transportation sector ranks at the top of the major sources of U.S. greenhouse gas emissions, largely as a result of cars and trucks, according to the Environmental Protection Agency.

AD

Twenty-four percent of Americans said airplane travel is a major contributor to climate change, while 44 percent said it's a minor contributor. The EPA finds aircraft contribute about 3 percent of U.S. carbon emissions.

The poll finds 33 percent of adults think that raising cows for food and milk made no contribution to climate change, and only 21 percent said cows are a major contributor. The latter is accurate: A recent report said livestock (including poultry) accounts for 14.5 percent of greenhouse gas emissions, the bulk of that from enteric fermentation — the digestive process that leads cows to belch methane.

Overall, the top sources of greenhouse gases that cause climate change include electricity generation, transportation, agriculture, industrial production and deforestation.

AD

Volcanoes are a source of confusion. About 2 in 10 listed volcanic eruptions as major contributors, and another 4 in 10 called them minor. In fact, volcanic eruptions can cause temporary global *cooling* when ash and smoke are ejected into the stratosphere and block incoming sunlight — a phenomenon seen, for example, after the eruption of Mount Pinatubo in 1991, which dropped the global temperature by about 1 degree Fahrenheit over the following 15 months, according to NASA.

Several experts on science communication said it's not essential for people to know the precise details about climate change so long as they understand the gravity of the issue, the role of humans and the need to take action.

“I think getting the gist right is the most important thing,” said Katharine Hayhoe, a climate scientist who heads the climate center at Texas Tech. “We don’t have to understand all the nuances of the science. We just have to understand it’s real, it’s us, it’s serious, and there are solutions.”

AD

Kathleen Hall Jamieson, a professor of communication at the University of Pennsylvania, said, “If people have science-consistent attitudes and science-consistent actions, I don’t care what their knowledge is. The attitudes will drive policies, the actions will make contributions to fix things.”

The sharp increase in the number of people calling climate change a “crisis” has occurred in a time of numerous extreme weather events — such as the devastating hurricanes Harvey, Maria, Florence, Michael and Dorian — as well as an extraordinary run of hot years. This was the hottest decade on record. The five hottest years, according to NASA data going back to 1880, have been, in order, 2016, 2017, 2015, 2018 and 2014.

Jamieson said television meteorologists have been more likely in recent years to cite climate change as a factor in extreme weather events. She noted that the data on global temperature increases are more abstract relative to big storms, floods, droughts, wildfires, and so on. “You’re seeing the news media attach the language to things that are evocative and dramatic and have real effects on human lives,” she said.

AD

The number of people who completely reject the role of humans in climate has shrunk in recent years, said Ed Maibach, a professor of communication at George Mason University.

“Americans in increasing numbers are coming to understand that climate change is real, that it’s human-caused, that there’s an overwhelming consensus among the experts that human-caused climate change is happening, that it’s bad, that it’s harmful to people, not just plants, penguins and polar bears,” Maibach said. “And there are things we can do. This is not like a meteor toward Earth — we actually have some options here.”

The broad outline of climate change is not scientifically controversial, despite the heavy politicization of the issue in the past two decades. The Earth’s atmosphere and oceans have been warming dramatically in the past half-century. Although planetary temperatures do vary on geological time scales, this recent warming is not a natural fluctuation but rather is very likely due entirely to human activity.

The poll showed that 79 percent of adults and 86 percent of teenagers believe that humans are causing the climate to change — a robust majority that still leaves a significant portion of the population rejecting the consensus.

Among those naysayers, 20 percent volunteered that the climate began warming before humans came along, and another 15 percent said humans have no control or play only a small part in the phenomenon. An additional 13 percent said the climate goes through natural shifts and cycles. Another 5 percent attributed the changes to divine will.

The poll suggests that educators, the news media and science communicators have plenty of opportunity to improve public understanding of climate science. Among teenagers, 54 percent say they have learned “a lot” or “a moderate amount” in school about the causes of climate change, while 46 percent have learned about ways to reduce its effects.

“People just don’t care, and it’s sad. I don’t know why. It’s just most people don’t want to read on it. The reason is because of the way the politics is now. You got so many people arguing about this and that, it’s tearing people away from carrying about anything,” said Michael D. Young, 46, a Richmond, Ind. resident and former DirecTV contractor who was surveyed in the poll.

Two-thirds say they disapprove of the way President Trump is handling climate change — a slightly higher rate of disapproval than for any other issue measured in the poll, including health care, immigration, gun policy and the economy.

The answers about the sun getting hotter may reflect, in part, the way the question was worded. Some people may have assumed it referred simply to how it feels when one goes outside on a record-breaking hot day.

“It’s very, very hot. That’s a problem with the fires in California,” Young said.

“We keep seeing all these superstorms, we see it’s consistently getting hotter. My son’s only one — he’s got a long life ahead of him hopefully. I don’t want to see him suffer,” said Marian Troxler, 38, a parole officer in Madisonville, La., who participated in the poll.

AD

She acknowledged uncertainty about the cause of climate change. “The way I always understood it, I thought global warming had more to do with the fact that we’ve broken down so much of our protective layer,” she said, referring to the destruction of atmospheric ozone by chlorofluorocarbon gases that have been banned since 1986 under an international treaty.

She said people seeking information will run into echo chambers: “I kind of feel like you can find anything to support your point of view. You can always find something to support what you think and negate what your counterpart might be saying.”

Many people are making changes in their lives. The poll found that 53 percent of adults say they've taken actions to reduce their carbon footprints — including about 6 in 10 Democrats and 4 in 10 Republicans. Among those taking action, 38 percent volunteered they are recycling while 37 percent said they are driving less. Roughly a quarter (26 percent) said they are using less electricity in their home, while 17 percent mentioned driving a hybrid or more fuel-efficient vehicle. Only 4 percent volunteered they are eating less meat or none at all.

The Post-KFF survey was conducted online and by telephone from July 9 to Aug. 5, among a national sample of 2,293 adults and 629 teenagers through AmeriSpeak, a survey panel recruited through a random selection of U.S. households by NORC at the University of Chicago. Results among adults have a margin of sampling error of plus or minus three percentage points, and results among teens have an error margin of five points.

AGENDA

Lawmakers look to clinch deal on spending, taxes, miners

George Cahlink and Geoff Koss, E&E News reporters • Published: Monday, December 9, 2019



Lawmakers return this week looking to secure year-end deals on spending and other priorities. Francis Chung/E&E News

Congressional negotiators met throughout the weekend hoping to strike a year-end spending deal, with energy tax breaks and relief for retired coal miners on the line.

Appropriations subcommittees handed off their bills to committee leaders on Friday afternoon with a goal of having them resolve any final sticking points.

Rep. Betty McCollum (D-Minn.), chairwoman of the House Interior and Environment Appropriations Subcommittee, said Friday her panel had narrowed the outstanding issues and saw an accord within reach.

"I am forever optimistic we can have more of our potential issues of difference resolved, so that we hand leadership only a few things to deal with," she said.

McCollum declined to specify what differences remain but said spending levels and policy provisions are "interconnected."

Rep. Mike Simpson (R-Idaho), the top GOP Energy and Water Development appropriator, said he remains confident Congress will pass its bill before current spending expires on Dec. 20 as part of a minibuss spending package.

Asked if Trump would sign the bills amid an impeachment vote, Simpson laughed and said, "Don't ask me what the president will do. I have no idea."

House Appropriations Chairwoman Nita Lowey (D-N.Y.) said late last week that after months of stalled spending talks, an overall spending deal was within reach.

But Senate Appropriations Chairman Richard Shelby (R-Ala.) told reporters Thursday it would still be an uphill fight to pass all 12 spending bills by the Dec. 20 deadline.

"It's going to be hard," he said. "It's not impossible, but it's going to be very difficult to accomplish. I wish we could do it all. But we're making progress."

As negotiators race to reconcile the competing bills, 17 Senate Democrats on Thursday urged top appropriators to maintain the \$9.5 million for EPA environmental justice programs in the House Interior-Environment bill.

If lawmakers cannot reach an accord, another stopgap spending bill would be needed to avert a shutdown just before Christmas. It would likely stretch at least a few months into the new year to get beyond an impeachment trial that could consume the Senate for several weeks.

Everything 'up in the air'

A spending deal would be good news for advocates seeking a year-end agreement extending an assortment of lapsed energy tax breaks that could be attached to the funding package.

"It's like everything else, kind of all up in the air depending on whether a budget deal comes together," Senate Majority Whip John Thune (R-S.D.) told E&E News on Thursday. "It's just still very fluid, but I still have hopes that we can get at least the basic packages."

Thune's comments reflect the coolness of many Senate Republicans to Democrats' overtures seeking expansions of key renewable clean energy incentives scheduled to sunset in the coming years.

Lawmakers continue to face pressure from outside interest groups, including local officials from 30 states who ~~wrote~~ the Hill on Friday in support of expanding key breaks for renewables, electric vehicles, efficiency and other clean energy sources.

Sen. John Cornyn (R-Texas) said last week, however, he was "not optimistic" on a deal coming together, which some members have said must be ready this week to be vetted and attached to a year-end omnibus package.

"We're running out of time," he said Thursday, while taking a shot at Democrats for being "absorbed by all this impeachment mania."

Senate Finance member Maria Cantwell (D-Wash.) said she continues to be frustrated at the standoff, which has harmed biodiesel plants in her home state.

"I think it's unfair for small businesses who deserve to have tax predictability, can't get it out of this group," she told E&E News on Thursday, while criticizing Republicans for the 2017 tax overhaul that she said "gave the store away to big corporate America."

However, top Republican tax writers have signaled they're willing to deal on at least some of Democrats' green energy priorities in return for unspecified "technical corrections" to fix inadvertent changes in the 2017 tax law that have caused headaches for many entities (*E&E Daily*, Nov. 22).

Sens. Lisa Murkowski (R-Alaska) and Jeanne Shaheen (D-N.H.) on Friday unveiled a new bill ~~correction~~.

They said in a statement they want to fix a hiccup in the tax law that creates "exorbitant taxes on critical water infrastructure investments in New Hampshire, Alaska, and across the nation."

Miner pensions

Appalachian lawmakers are also pushing to see relief for struggling coal miners enacted before the end of the year, provisions that could also be attached to a spending deal.

Sen. Joe Manchin (D-W.Va.) said he told his colleagues he will block end-of-year votes until the miners' pensions are addressed.

"We made sure that everyone knew ... that we'll be here through Christmas if they don't do it," Manchin told E&E News on Thursday.

But Sen. Shelley Moore Capito (R-W.Va.) said Majority Leader Mitch McConnell has not committed to including her pension bill with appropriations legislation.

While the Kentucky Republican recently co-sponsored legislation on the issue, she downplayed the significance (*Greenwire*, Nov. 6).

"He hasn't made a firm commitment because he wouldn't do that anyway," she told E&E News. "I think the negotiations are ongoing, but he's very committed to finding a way."

Capito said she also spoke with Finance Chairman Chuck Grassley (R-Iowa), who does not support the Appalachian senators' approach and wants to act more broadly to shore up a host of struggling multisector pensions (*E&E Daily*, Dec. 5).

"We've had a conversation, but you know I'm sticking with the miners," she said. "Their pension system is in much dire straits than others."

NDAA, USMCA

Other major legislation also could move on its own this week or next.

The House and Senate are expected in the coming days to vote on a final fiscal 2020 National Defense Authorization Act, whose fate may be in doubt in the House after Democratic negotiators abandoned efforts to reach a compromise deal that had broad support among Democrats on both sides of the Capitol.

It's also possible lawmakers could vote on the United States-Mexico-Canada Agreement before the end of the year, as last-minute negotiations continue with the Trump administration.

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The World Solved the Ozone Problem. It Can Solve Climate Change.

New York Times (Online), New York: New York Times Company. Dec 7, 2019.

The New York Times

Abstract

The same tools that fixed the ozone hole — science, innovation and international action — can address it.

Full Text [Turn on search term navigation](#)

Nearly 50 years ago, three chemists named Mario Molina, Sherwood Rowland and Paul Crutzen found evidence that chlorofluorocarbons, chemicals known as CFCs and released from aerosol sprays, were weakening the ozone layer that functions as the earth's natural sunscreen protecting humans, animals and plants from harmful radiation.

The discovery made big news and rattled the public. Aerosol sales dropped dramatically, and, despite pushback from the chemical companies that made CFCs, Congress in 1977 added protecting the ozone layer to the Environmental Protection Agency's duties under the Clean Air Act. Not long afterward, the agency determined that the compounds, then widely used in refrigerators, air-conditioners and some industrial processes, posed an even graver threat to the atmosphere than first thought. Soon after, pressure began to build for a phaseout of CFCs in the United States as well as for an international treaty to find alternatives.

The case for global action became ever more urgent in 1985 when a British team discovered a hole in the ozone layer above Antarctica, followed by confirmation by NASA scientists of a connection between the hole and CFCs. With the rest of the world and even industry on board, the result was the 1987 Montreal Protocol, a landmark agreement banning chlorofluorocarbons and other ozone-depleting chemicals. End of story? Not quite. As it happened, the ozone-friendly replacements for the CFCs, known as hydrofluorocarbons, turned out to be distinctly unfriendly to the climate. So in 2016, the Montreal signatories reconvened in Kigali, Rwanda, and agreed to amend the original protocol to phase out HFCs and find substitutes more friendly to the atmosphere.

The bottom line is that the world, confronted with two dire threats to the earth's fragile atmosphere, found two planetary responses with positive outcomes. The ozone layer is healing. That's worth remembering as we struggle, often despairingly, to find common ground in the battle against climate change. Compared with the manifold complexities of global warming, dealing with ozone depletion was, in fact, relatively simple. But the key point is that it happened, and it's worth asking why the world has not responded with similar resolve in dealing with the main global warming gases like carbon dioxide, about which we have known a lot for a long time.

In 1965, following a report from his Science Advisory Committee, President Lyndon Johnson asked Congress to pass a law curbing carbon dioxide emissions. Four years later, in a memo to John Ehrlichman, President Nixon's domestic affairs chief, Daniel Patrick Moynihan, then a presidential assistant, warned that "man has begun to introduce instability" in the atmosphere "through the burning of fossil fuels." Atmospheric warming, Mr. Moynihan

said, “very clearly is a problem, and perhaps most particularly, is one that can seize the imagination of persons normally indifferent to projects of apocalyptic change.” Indeed, he offered, it was not out of the question to imagine “mammoth man-made efforts to countervail the CO2 rise (e.g., stop burning fossil fuels).”

Later came the dramatic congressional testimony of James Hansen, a NASA scientist, before Congress in June 1988, linking global warming to human activities with 99 percent certainty, an assertion that landed the issue on the front page of The New York Times; also the strenuous efforts of advocates like Al Gore to demonstrate the link between warming and the increase in manufacturing and the use of fossil fuels since the beginning of the Industrial Revolution.

Yet scientific knowledge has not produced action equal to the challenge. One reason has been the absence, until fairly recently, of obvious environmental damage threatening individual well-being and the sense of urgency that inspires the public to demand regulatory responses. The prospect of thousands and even millions of cancer deaths led to the Montreal Protocol. The Cuyahoga River catching on fire, giant algae blooms in lakes and rivers, and widespread contamination of municipal water supplies led to the Clean Water Act of 1972. Oppressive inner-city smog — so bad you could nearly taste it — as well as mounting respiratory illnesses, and dead and dying trees, streams and lakes, helped overcome political and industry foot-dragging and created the landmark 1990 amendments to the Clean Air Act and its innovative cap-and-trade system for controlling ground-level pollutants.

Climate change, by contrast, has for a long time been seen as remote, something for future generations to worry about, and in polls has appeared far down on the list of voters’ concerns.

In addition, there were no relatively expeditious technological fixes for carbon emissions, as there were for fluorocarbons, and as there were for the pollutants addressed in the 1990 Clean Air Act Amendments, like scrubbers for power plants, and catalytic converters and cleaner fuels for cars and light trucks. The global warming problem requires a whole suite of fixes, some of them mammoth, as Mr. Moynihan intuited a half-century ago — carbon-free alternatives to produce electricity; an all-electric vehicle fleet; an end to deforestation; climate-friendly agricultural practices; large-scale dietary changes; and, quite possibly, advanced technologies to draw carbon dioxide out of the atmosphere. Reimagining the world economy means turning around a very big ship. Not to mention global buy-in.

Finally, despite predictable industry warnings of economic ruin, the efforts to protect the ozone layer and clean up the nation’s waters and air faced nowhere near the campaign of denial and disinformation mounted by Exxon Mobil and other big fossil fuel companies — companies that knew perfectly well what their products were doing to the atmosphere — to confuse the public about climate change and to derail serious attempts to address them. This cascade of phony science was not the only reason legislation aimed at reducing carbon pollution foundered in Congress. As Bill Clinton and Mr. Gore discovered after signing the Kyoto Protocol in 1997, there was little enthusiasm in either party for a treaty that essentially required America and other industrial nations to do most of the heavy lifting while giving other big emitters, among them China and India, a far easier path. Still, industry’s relentless obfuscation played a big role, especially among Tea Party Republicans.

Are there reasons now to hope for serious action? Yes: a trifecta of frightening reports in the last year from the Intergovernmental Panel on Climate Change on the need to act before things spin out of control, on deforestation and other damaging land-use practices, on dying reefs and rising sea levels. Plus: a cascade of natural disasters, including catastrophic wildfires and hurricanes. Plus: the dramatic drop in the cost of producing carbon-free energy

like wind and solar power. Plus: well-publicized concerns on the part of every contender for the Democratic presidential nomination, and equally well-publicized efforts by state and local officials, to fill the global leadership vacuum left by President Trump.

What David Doniger, a climate expert at the Natural Resources Defense Council, calls a “one-two punch of irrefutable science and irrefutable experience” has clearly raised public awareness and, perforce, the political temperature. To all this should be added the experience of Montreal and Kigali, and the catastrophe that did not happen.

EPA

Air office appointee fought climate, emission rules

Kelsey Brigger and Sean Kelly, E&E News reporters • Greenwire: Friday, December 6, 2018



Karl Moor has been appointed to be a deputy chief in EPA's air office. Balch and Bingham LLP

EPA has hired another political appointee in its air regulatory office who has a long history of suing the agency.

Karl Moor on Monday joined the Office of Air and Radiation as a deputy assistant administrator, the agency confirmed this morning. Once a staffer in the Reagan administration and on Capitol Hill, Moor has in recent decades fought stricter environmental protections and climate policies in court.

"We're excited to have Karl as part of the EPA team," agency spokesperson Molly Block wrote today in an email.

"He has worked for nearly two decades at the forefront of a range of environmental issues. His extensive background as both a senior executive and senior counsel and expertise on the Clean Air Act will be a welcome addition to our team, helping OAR to continue delivering on the President's agenda."

Moor joins a string of other political appointees at the air office in the Trump era, including air chief Anne Idsal and her top aides David Harlow, Kelley Raymond and Alex Dominguez. Many of them have backgrounds with trade groups and law firms representing energy companies.

Moor worked as a top executive at the utility Southern Co., where he was involved in challenges to EPA's Mercury and Air Toxics Standards and air quality enforcement, and, most recently, at the law firm, Balch and Bingham LLP. Now he is expected to be a top regulator on those same matters.

In 2016, Moor joined Balch as counsel in the environment and natural resources unit. In his career, he has also participated in litigation against pollution and climate initiatives involving the New Source Review pre-construction permitting program and EPA's authority to regulate carbon dioxide emissions.

"He is expected to bring a plethora of legal knowledge and experience," said Mandy Gunasekara, a former Trump EPA official who founded the Energy 45 Fund, a pro-Trump fundraising organization. "A few people who know him are very excited."

Gunasekara, who said she personally did not know Moor, thought he would take over former EPA deputy air chief Clint Woods' portfolio, which was heavily involved with relaxing pollution regulations and restricting the use of science in the rulemaking process. Woods left the post in September for a job at Ohio State University ([Greenwire](#), Nov. 22). Betsy Shaw, a career employee, also serves as a deputy assistant administrator in the air office.

When asked about Moor's past efforts to oppose EPA, Gunasekara stuck up for him. "Just because you are suing the agency doesn't mean you disagree with the mission of the agency," she said. "It just means that you disagree with the methods that the agency is going about it. The same thing could be said about [former EPA Administrator Scott] Pruitt."

Moor did not respond to questions about his background for this story. An E&E News review of public records obtained shows his involvement with the industry-backed Republican Attorneys General Association, which

Pruitt was involved with while serving as attorney general of Oklahoma. In addition, in 2013, Moor spoke on a panel at Pruitt's Summit on Federalism and the Future of Fossil Fuels, according to a copy of the agenda.

In 2016, Moor joined Balch as counsel in the environment and natural resources unit. There, he participated in industry efforts to weaken EPA's authority to regulate CO2. To that end, he lost a Supreme Court case involving automobile emissions. His other litigation against Obama-era pollution and climate initiatives involved New Source Review, the Clean Power Plan, and mercury and air toxics standards.

Before that, in 1998, Moor joined Southern, where he "led industry efforts to fight EPA's New Source Review enforcement initiative and to defend against global climate change mass tort suits," according to a 2016 Balch press release announcing his move to the firm. He left Southern as a senior vice president and chief environmental counsel.

Over the years, Atlanta-based Southern Co. and its affiliated operating companies have been among the power industry's most aggressive challengers to more stringent air pollution regulations.

He was an in-house registered lobbyist for Southern from 1999 to 2006, according to congressional disclosure records.

"I work most often on litigation and policy-related coalitions that focus on obtaining changes in law or policy through the courts, and administrative agencies and/or Congress," he wrote in a profile previously posted on Balch's website.

Among other accomplishments, he noted a successful appeal to the Supreme Court in litigation challenging EPA's 2012 mercury and air toxics standards. At Balch, his role was to advise clients on carbon capture utilization and storage, as well as carbon dioxide policies and international economic and regulatory developments in that field, the release indicates.

In an email this morning, a Balch spokeswoman confirmed that Moor was most recently "of counsel" in the firm's environmental and natural resources section but could not say when he left.

Last year, a Balch partner, Joel Gilbert, was convicted for his role in a bribery scheme related to a Birmingham, Ala., Superfund site ([Greenwire](#), Oct. 24, 2018). There was no indication from prosecutors' filings that Moor was involved.

Moor has a bachelor's degree from the University of Montevallo in Alabama, a master's in technology and public policy from George Washington University, and a law degree from Georgetown University.

Reporters Kevin Bogardus and Timothy Cama contributed.

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Biofuel blending quotas on EPA radar

by MARIO PARKER and JENNIFER A. DLOUGHY BLOOMBERG NEWS | December 8, 2019 at 1:56 a.m.

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The EPA is seeking to issue a final rule setting 2020 biofuel blending quotas by Dec. 20, the agency's chief told industry representatives in phone calls late last week.

Environmental Protection Agency Administrator Andrew Wheeler gave the update to renewable fuel producers after industry concerns that the EPA's existing proposal does not do enough to offset waivers exempting refineries from the mandates, according to three people familiar with the matter who asked not to be named describing private conversations.

The EPA was seeking to send its draft of the final rule to the White House Office of Management and Budget for an interagency review late last week, Wheeler said, according to four people familiar with the timing.

Agency officials have described similar ambitions to other biofuel and oil industry representatives, though release of the final rule could still slip to next year.

The calls follow a Bloomberg News report that White House economic adviser Larry Kudlow was working to hone the agency's current proposal.

EPA officials have maintained that the agency's plan is consistent with a White House-brokered agreement to adjust biofuel-blending requirements and fully offset refinery exemptions, though renewable fuel producers say the formal proposal falls short of the guarantee they need.

Under that proposal, the adjustments would be based on recent Energy Department recommendations for refinery waivers, not the higher amount the EPA has actually granted in recent years. However, the EPA also signaled that it will closely follow those recommendations in the future.

SundayMonday Business on 12/08/2019

Print Headline: Biofuel blending quotas on EPA radar

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Amy Dinn, managing attorney with Lone Star Legal Aid, delivers a presentation during a town hall meeting Saturday at Empowerment Church in Port Arthur. (I.C. Murrell/The News)

Further accountability from TPC, agencies demanded in Port Arthur



(<https://www.panews.com/author/IC.Murrell/>).

By I.C. Murrell (<https://www.panews.com/author/IC.Murrell/>)

Email the author (<mailto:ic.murrell@panews.com>) | [twitter](https://twitter.com/ICMurrellPANews) (<https://twitter.com/ICMurrellPANews>)

Published 5:13 pm Saturday, December 7, 2019

Port Arthur citizens expressed concerns about the effects the Nov. 27 TPC Group Port Neches Operations explosions had on them as well as the information — or lack thereof — the company has disseminated during a town hall meeting Saturday at Empowerment Church on Memorial Boulevard.

Amy Dinn, managing attorney of environmental justice team Lone Star Legal Aid, gave a presentation for much of the two-hour town hall. She said LSLA has not decided yet whether to join multiple law firms that have sued TPC.

LSLA, she said, is focused on the enforcement of strict penalties against the company for any air quality violations in considering legal action.

The Texas Commission on Environmental Quality and the Environmental Protection Agency have fined TPC on numerous occasions for violations dating back to 2008.

The purpose of Saturday's town hall was to offer information to the public regarding the explosions. No public officials were present at the meeting, which was hosted by Port Arthur Community Action Network, or PA-CAN.

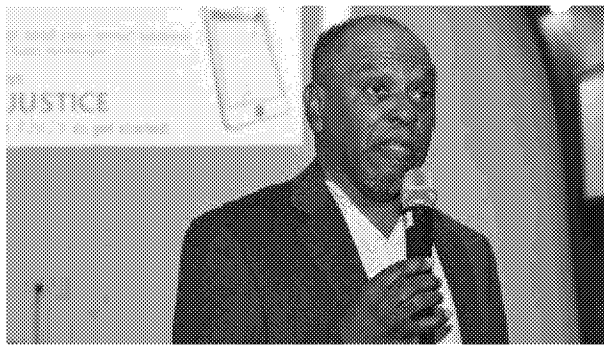
"We will be working with groups like Port Arthur Community Action Network to see what next steps can be done to help either with the recovery process or long-term objectives for the community as far as making it safer," Dinn said. "As far as that plan specifically, we'll be following the enforcement action that's taken by TCEQ and make sure that it fully assesses the penalty it can through its regulatory authority."

A hearing request concerning TPC will be held Dec. 18 at the TCEQ office in Austin.

The EPA assessed penalties totaling \$102,937 against TPC from 2016-17 and the TCEQ has issued 19 fines against TPC ranging from \$3,600 to \$55,753 since 2008. TPC has been fined up to \$41,191 this year by TCEQ, according to a presentation Dinn made Saturday.

"It's difficult to determine what the penalty would be since it's an ongoing investigation," she said. "I would think that at some point that would be fully reported by the company to the TCEQ and then it can be analyzed what can fully be done to remedy the situation. Part of it will depend what actions the company is taking. We won't know that until TCEQ does a full investigation. That could be several months or a year down the road."

The U.S. Chemical Safety and Hazard Investigation Board (CSB) has opened a probe into the explosions. TCEQ, along with the EPA and toxicology firm CTEH, have conducted air and water quality tests across Port Arthur, Port Neches, Nederland and Groves.



(<https://www.panews.com/wp-content/uploads/2019/12/John-Beard-12-7-19.jpg>)

John Beard, chairman of Port Arthur Community Action Network, makes comments during a town hall meeting Saturday.

Reported findings

PortNechesResponse.com (<http://PortNechesResponse.com>), the Unified Command website that includes information from TPC, Jefferson County Office of Emergency Management, TCEQ and the EPA, said in a Saturday release experts collected 3,531 air monitoring readings in the community, all of which were measured below action levels for irritation reactions. Angie Perez, a toxicologist with CTEH, said 670 ppm of butadiene, a known carcinogen that can cause cancer, would constitute an emergency level. Dinn said the action level for exposure to butadiene is 0.5 ppm.

"As a reminder, short-term exposure to concentrations less than 10 ppm for one hour or less is not expected to produce health effects other than mild, reversible irritation," PortNechesResponse.com (<http://PortNechesResponse.com>) said in its release.

The EPA, however has reported up to 17.07 ppm of butadiene in the work area between 2:30 p.m. Wednesday and 2:30 p.m. Thursday and up to 12.09 ppm in the community outside the work area during the same 24-hour time span.

"That is an extremely elevated exposure level for butadiene in the community," Dinn said. "That day, that wind was blowing south to southeast of the facility."

The elevated levels resulted in a shelter-in-place and voluntary evacuation decree from Jefferson County Judge Jeff Branick and the city of Port Neches.

The EPA sent water samples to laboratories Test America and ALS, which will then ship samples to be analyzed for PFAS compounds at its laboratory in Michigan.

Unified Command reported small but expected residual fires at the TPC site Friday, but added those fires have been contained.

Possible action

Dinn reminded citizens to call a Community Assistance Helpline that TPC has established for claims related to the explosions: 866-601-5880. Unified Command said approximately 200 claims representatives remain in the area and are in the field from 8 a.m. to one hour before sundown daily.

Dinn and Beard warned residents against signing any waiver that would prevent them from taking future legal action against TPC and consult an attorney, if necessary, to assess damages. Saturday was the last day of American Red Cross Recovery Center operations at First Baptist Church of Nederland.

A TCEQ commissioners' meeting regarding TPC is scheduled for 9:30 a.m. Dec. 18 at the TCEQ office at 12100 Park 35 Circle, Room 201S, Building E in Austin.

Stephanie Thomas, an area researcher and community organizer with Public Citizen, is organizing a group of interested citizens to speak at the meeting.

Thomas can be reached at 832-840-6464.

PA-CAN chairman John Beard declined comment on whether his organization is looking to sue TPC.

PA-CAN on May 22 filed a notice of intent to sue Valero Energy Corp. and Premcor Refining Group for unauthorized violations of the Clean Air Act, charging Valero with releasing 1.8 million pounds of pollution since May 2014.

Texas Attorney General Ken Paxton sued Valero on July 19 on behalf of the Texas Commission on Environmental Quality, but Beard said PA-CAN has not heard anything on the suit since.

"Right now, because we are surrounded by refineries, and they do their business, we are exposed to these things," Beard said. "... This meeting is not about trying to shut down industry or kill industry. We know how the bread is buttered. We know how people make their living. We know what sustains this area. We don't want you to go out of business. We want you to do better business and protect our business the same way you would protect the lives of your employees. We deserve it, and they deserve it too."

Two full-time workers and a contractor with TPC were injured in the initial explosion, treated and released from local and Houston hospitals.

Traffic report

Unified Command said Saturday that Grigsby Avenue at Texas 136 Spur will reopen in advance of Port Neches-Groves Independent School District students returning to school Monday.

Classes were canceled Thursday and Friday due to the elevated levels of butadiene as a result of a leaking pressure relief valve.

Grigsby at Spur 136 had been closed for repair since Nov. 27.

"To prevent a disruption in traffic flow, workers are digging a trench that will house an encased hose for fire water supply," Unified Command said. "This work is expected to be completed this weekend, and the road cleared for traffic prior to Monday."



Dallas Drivers Surprised By The New Rule in December 2019

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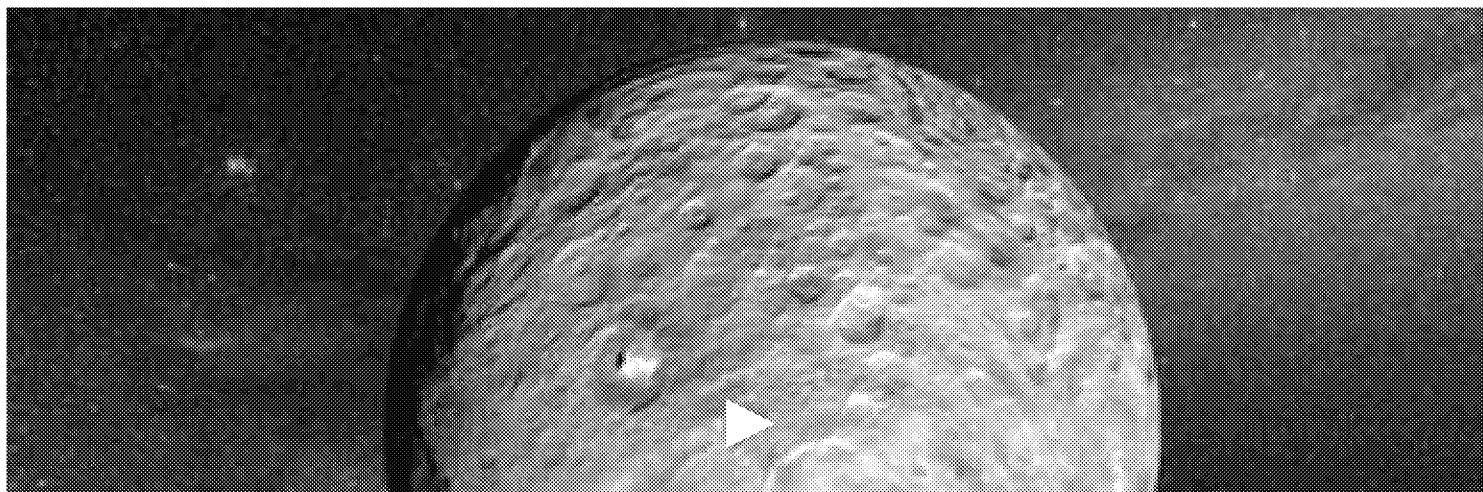


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PAPD: Arrest follows robbery, assault at Port Arthur grocery store

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A suspect has been apprehended, police saying the man robbed one person and assaulted another person Saturday afternoon in Port... [read more \(https://www.panews.com/2019/12/07/papd-arrest-follows-robbery-assault-at-port-arthur-grocery-store/\)](https://www.panews.com/2019/12/07/papd-arrest-follows-robbery-assault-at-port-arthur-grocery-store/)



Residents say high cancer rate caused by nearby rail yard

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According to a report, creosote seeped into the neighborhood's soil, creating a hazardous plume that moved beneath at least 110 homes and churches.

By Erica Simon

Friday, December 6, 2019 8:11PM

HOUSTON, Texas (KTRK) -- Residents of Kashmere Gardens in Fifth Ward say they have been dealing with a detrimental problem for years.

"All our neighbors are dead. We have one, two, three, four original people. Everyone else has died off from cancer," a concerned neighbor Sandra Edwards shared.

Edwards believes her beloved neighborhood has had a cancer problem for years due to the Union Pacific Railroad yard nearby.

In August 2019, a report was released by the Texas Department of State Health Services.

The report stated that creosote once seeped into the neighborhood's soil, creating a hazardous plume that moved beneath at least 110 homes and churches. The chemicals also contaminated groundwater.

The state has identified 10 areas within Fifth Ward with a high number of cases of adult cancers of the lung, esophagus and throat.

Neighbor Richard Hudson says his family was personally affected by the contaminants.

"My mom died from ovarian cancer, my brother from stomach cancer," he said. "I don't think it's a coincidence."

Although the study does not determine the exact cause of the cancers, the EPA does associate them with exposure to chemicals found in the groundwater plume.

What's next for neighbors? Well, they'll continue their IMPACT group, which they started

to address the contamination. They also most likely move forward with legal action.

"They have proved we were right all along. We are humans. We bleed just like everybody else. We breathe just like everybody else. Why can't we live in clear air and clean neighborhoods like everybody else," Edwards asked.

In response, Union Pacific released this statement:

"Union Pacific understands the community is concerned and is reaching out to the Texas Department of Health for more information about its findings."

No One Should Have to Breathe These Chemicals

Parras, Ana. *New York Times (Online)*, New York: New York Times Company. Dec 6, 2019.

The New York Times

Abstract

In Texas and across the country, the E.P.A.'s gutting of the Chemical Disaster Rule is a matter of life or death.

Full Text [Turn on search term navigation](#)

In Texas and across the country, the E.P.A.'s gutting of the Chemical Disaster Rule is a matter of life or death.

HOUSTON — While families across the country celebrated Thanksgiving with their loved ones, more than 50,000 people in Port Neches, Tex., were forced to evacuate from their homes and spend the holiday in makeshift shelters. The reason? Two explosions at the Texas Petroleum Chemical plant sent flames into the sky, injured eight people, and released plumes of butadiene, a carcinogen, into the air.

The disaster erupted six days after the Trump administration gutted Obama-era regulations meant to improve safety at 12,000 chemical plants around the country.

It's too soon to say whether these now abandoned rules would have made a difference in Port Neches. But there is no question that the communities that surround these thousands of plants are less safe now.

This regulatory rollback gives chemical plants across the country a free pass, in pursuit of greater profits, to operate in a way that endangers families and workers.

There are over 2,500 chemical facilities in the Houston area. Manchester, the neighborhood where Texas Environmental Justice Advocacy Services works, is among those most affected by this negligence. There are 30 chemical plants and waste sites in the Manchester area that report to the Environmental Protection Agency. When an explosion happens, nearby neighborhoods, mostly Latinx and people of color, are exposed to this toxicity.

And these toxic blasts are not infrequent. The last chemical explosion in Houston to garner national attention was in March at the Intercontinental Terminals Co., a few miles east of Manchester. This explosion led to high benzene levels in the air, school closures and community shelter-in-place orders for days: stay where you are, turn off air conditioning. Some advisories told people to put a plastic tarp over their windows, sealed with duct tape, to prevent air from coming in.

Federal regulations were supposed to protect us. For years, organizations like United Steelworkers, Greenpeace and dozens of other community and environmental organizations pressured the E.P.A. to make chemical disaster prevention a priority.

The turning point happened in 2013 when an explosion at a fertilizer plant in West, Tex., 200 miles northwest of Houston, killed 15 people and injured over 260.

Later that year, President Barack Obama signed an executive order calling on federal agencies to create a task force. What emerged was the Chemical Disaster Rule, a proposal to improve plant safety and protect surrounding communities, which the former E.P.A. administrator Gina McCarthy approved one month before President Trump took office.

Two months later, the Trump administration blocked the regulations from taking effect, and now the E.P.A. has released a final rule that eviscerates the Obama-era requirements. The agency rescinded major accident prevention provisions, including requirements to consider safer technology, audits of accidents by outside parties and “root cause” analyses of accidents.

While Texas has the largest number of chemical facilities in the country, Illinois, California, Iowa and Louisiana are riddled with them, too. As The Houston Chronicle has documented, no state is spared from having at least one facility that could have toxic or flammable chemical accidents with consequences that extend beyond the site.

The E.P.A. calls these communities — areas that could be affected by a release from a chemical accident — “vulnerable zones.” One in three children in America attends a school in a vulnerable zone. This means that over 19 million children are at risk of exposure to the harmful chemicals that these plants use, store and can emit when they produce plastics, pesticides, adhesives and other products.

Our neighborhoods in Houston are a case in point. The oil and gas facilities and chemical plants along the 52-mile Houston Ship Channel have turned the air in Harris County into a public health hazard, significantly increasing the likelihood of residents’ developing cancer and respiratory problems — and shortening the lives of children. Children living near the Houston Ship Channel are 56 percent more likely to develop leukemia than those who live more than 10 miles away.

To me this issue is personal. Yes, explosions from chemical facilities can be deadly. But the long-term impact of exposure to toxic chemicals also kills. In 2016, I was found to have hypersensitivity pneumonitis, a rare autoimmune system disorder that arises from breathing in dust or toxins repeatedly. The doctors blamed indoor air, but I am convinced that exposure to chemicals in Houston led to my condition. In this town, there’s little distinction between the air indoors and what’s outside.

When traveling — I am now at the U.N. Climate talks in Madrid — I bring a portable oxygen machine in case I need it. I am unable to walk long distances, and I move slowly because of my shortness of breath. Public speaking is difficult, as is any exertion. My life expectancy is not long (10 years, one doctor told me). I hope it is more.

In my family, lung diseases are the norm. My diagnosis came the same year that my father, Gregorio V. García, died of lung cancer at 79. He worked in the Asarco Refinery in Corpus Christi, Tex., and was a member of United Steelworkers for 30 years. Workers in these refineries are the first exposed to toxic substances. Many, like him, have died of cancer.

Plants like the nearby Valero facility emit a slew of poisonous chemicals like benzene and hydrogen cyanide into our neighborhoods. Far too often, they fail to meet Clean Air Act requirements.

During Hurricane Harvey in August 2017, I felt what it was like to breathe in a concentrated amount of toxic air. On the day of the worst flooding, my husband and I drove his pickup truck into Manchester to document what was happening at the Valero refinery. We saw water running from Valero into Hartman Park, where children gather to play baseball and soccer, and down the streets we knew well. As we drove, we had to cover our nose and mouth with our hands. My lips turned numb. The odor was so strong that it made me nauseated.

Three days later we found out that we had driven into one of the largest benzene spills. Benzene is clear, colorless and flammable. To date, this spill has not been adequately addressed by the Texas Commission on Environmental Quality.

In Houston, we struggle to get chemical facilities to follow the law. We ask our state to protect us from chemicals that no one should breathe. Now the federal government is ending safeguards that the E.P.A. only a few years ago said the industry needed to protect the lives of workers, emergency medical workers and communities like mine.

My life should not be a pawn for leveraging industry profits. Nor should those of my neighbors and their children. Families and workers in these neighborhoods deserve to be safe.

As disasters continue to happen, we — those most affected, those who breathe and live and play in toxicity — condemn the E.P.A.'s decision to repeal the Chemical Disaster Rule. We are denied basic health protections simply because the industry does not want to invest in our safety.

Families and workers across the country should not have to pay the ultimate cost of this administration's refusal to do its job: our lives.

Ana Parras is a co-executive director of Texas Environmental Justice Advocacy Services (@tejasbarrios).

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BACK TO SQUARE ONE: two views from the experts

Gale Pearson: Unlearning the costly lessons of West

GALE PEARSON Guest columnist Dec 7, 2019

1 of 3



Ray Moore trains his dog Aries as a cloud of smoke looms from the TPC Group petrochemical plant explosion on Nov. 27 in Port Neches. Multiple workers were injured in a massive explosion at the plant that also blew out windows and doors of nearby homes.

Houston Chronicle — Marie D. De Jesús

The volunteer firefighters who ran toward danger and perished in the West fertilizer plant explosion in 2013 deserve more from our leaders in Washington, D.C. While the community of 2,800 is doing its best to rebuild and honor the heroism on display that day

six and a half years ago, one of the lasting tragedies is that the loss of life and incredible destruction of property caused by the explosion could have been so easily prevented with common sense and business-friendly rules for storage of volatile chemicals.

As it turns out, those provisions were drawn up after the tragedy, only to be repealed in a short-sighted gesture by the Environmental Protection Agency — just days before chemical explosions at a Port Neches chemical plant forced evacuations and a massive response by firefighters and hazardous-materials handlers.

Produced in January 2017, the so-called “Chemical Disaster Rule” required businesses that store dangerous chemicals to implement basic safety measures. For companies that make, use or store chemicals that can ignite or explode, the rule required a “root-cause analysis.” This means that if a fire or explosion has occurred, a chemical company’s management must try to find out why it happened and propose ideas to best prevent the event from happening again.

Another repealed protection was the requirement that any dangerous chemicals be stored in a way that prevents them from catching fire or exploding. A third protection that was eliminated was the requirement to have a third-party expert look at a business’ fire and explosion practices and provide feedback on how those practices can be made safer.





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Importantly, the EPA's rollback last month also limits information available to the public — and first responders — about potentially dangerous chemicals being stored at any given business. Now only minimal protective regulations remain along with a provision that allows chemical companies up to five years to implement.

How did we get back to Square One? A small group of petitioners with the ear of the EPA complained that the measures are simply too costly. In fact, EPA Administrator Andrew Wheeler admitted the rollback in protections is a win for industry by reducing “unnecessary regulatory burdens” for industries that would save \$87 million a year. The alarming frequency of chemical fires in Texas alone raises real questions about whether industry can self-regulate. Can such a “win” for industry be balanced against the real threat posed to first responders and the surrounding community? What price do we pay when a single firefighter dies unnecessarily?

Chemicals can be flammable and explosive — we all accept that. But if used or handled unwisely, they pose even more significant risk to life and safety. Survivors of chemical fires or explosions are left with some of the most difficult and painful types of injuries that humans can endure. First responders such as the volunteer firefighters who died that day in West are true heroes for the sacrifices they endure to protect us and our property. When a fire or explosion occurs at an industry site handling or storing flammable chemicals, the industry — just like all of us — depends on their expertise and selfless bravery.

Commonsense protective regulations do *not* overburden the chemical industry. Rather, such regulations were put in place after a tragic reminder of our vulnerability. I respectfully ask EPA Administrator Wheeler whether we would have firefighters — whether funded by taxpayers or volunteers — take out calculators before they choose to respond to a fire or put themselves in harm's way to save a life. I suspect the families of those employed by the chemical industry see firefighters as brave Americans worthy of the best safety equipment and safety practices available.

Gale Pearson is an attorney at Dallas-based Fears Nachawati Law Firm who represents regional governments across the country in environmental litigation. In 2003, Supreme Court Justice Stephen Breyer presented her the Outstanding Pro Bono Service Award for her work with the September 11th Victim Compensation Fund. Contact: gpearson@fnlawfirm.com.

New report: Budgets for industry oversight are shrinking as industry profits, and disasters, grow [Opinion]

Dec. 8, 2019



Flames and thick black smoke light up the pre-dawn sky following Wednesday morning's explosion at the TPC plant in Port Neches. Photo taken Wednesday, November 27, 2019 Kim Brent/The Enterprise

Photo: Kim Brent / The Enterprise

"The black stuff floating, don't touch it," Troy Monk, the director of health, safety and security for the Texas Petroleum Chemical Group in Port Neches, said. "You don't want to be downwind from this."

Port Neches residents had just survived two explosions at the TPC plant in their community. As the fire burned, they posted frightening photos and videos taken from the front steps of their homes, windows blown out by the propulsive force of the first explosion at 1 a.m. the day before Thanksgiving.

Three workers had been hospitalized, five residents injured by shards of glass. As many as 50,000 had been forced to evacuate. Now, they were hearing warnings that the very air might be unsafe. News stories were

reporting something about cancer-causing butadiene, something else about asbestos.

“You don’t want to be downwind from this,” Monk said. But what choice did TPC give Port Neches, Groves, Nederland and Port Arthur?

“This” was at least the fifth petrochemical disaster — with ITC in Deer Park, KMCO in Crosby and ExxonMobil in Baytown, twice — this year in the region. Quickly, many observers drew a link from TPC to President Trump’s recent gutting of the Chemical Disaster Rule. That link is difficult to establish without knowing what caused the Port Neches explosions, but the rule, enacted by the Environmental Protection Agency during the Obama administration after the deadly explosions in West, Texas, in 2013, was designed to prevent exactly this.

The Trump EPA’s gutting of regulations meant that industry was never required to implement important protections for public safety, such as third-party audits of safety plans, root-cause analyses of disasters and anonymous reporting of safety violations. Now, companies such as TPC no longer have to inform communities or first-responders about the chemicals they have on site.

In the last decade, Texas has played host to the United States’ return to global energy dominance. The petrochemical industry is flourishing everywhere from the Permian Basin to the Gulf Coast. But as industry profits have soared, Texas has cut funding for environmental agencies. In fact, only one state has cut more funding than Texas. A report released this week by the Environmental Integrity Project found that, adjusted for inflation, the Texas Commission on Environmental Quality (TCEQ) has faced — during this same decade of industrial expansion, the decade with disasters such as Hurricane Harvey and Imelda made that much more destructive by climate change — a 35 percent budget cut, even as total state spending has climbed 41 percent.

Meanwhile, the EPA has considered the TPC plant a “high-priority violator” every quarter for the last three years. And EPA data show that the plant has an unresolved violation from as far back as 2004. Right now, TCEQ is juggling several pending enforcement actions against TPC for previous violations of environmental laws. But the fines TCEQ levied this year to TPC were for just \$41,191, \$13,688 and \$7,500, and the agency agreed to defer one-third of the amount. Companies know that TCEQ and EPA will not hold them accountable. They know there can be an economic benefit for noncompliance with permits. The industry-friendly approach behind the state’s enforcement regime is simply not enough to prevent the disasters that threaten our lives, livelihoods and health.

But these disasters are preventable. Prevention requires more frequent inspections, stronger permits, improved air monitoring and more stringent enforcement. But with a federal agency that guts rules designed to promote

safety and a state agency with a plummeting budget, who will take the lead?

There is reason for optimism. Last week, in a moment of introspection, TCEQ Executive Director Toby Baker acknowledged the “unacceptable trend” in the region. TCEQ recently received a one-time infusion of \$947,500 to pay for mobile air monitoring resources to focus on industrial pollution. This time, within days of the explosions, TCEQ was posting air quality data to its website and sharing information on a specially created one. That was an encouraging step, but both sites lacked information the public could use to take action. In fact, the Port Neches Response site posted an update claiming there were “no human health concerns” — very different from Monk’s warnings.

Jefferson County ranks fifth among Texas counties for the number of stationary sources of air pollution. Right now, the county lacks the infrastructure for environmental monitoring and enforcement. The TPC explosions could serve as the impetus for the county and other local jurisdictions to take a more active role. They will find inspiration in their neighbors in Harris County, including District Attorney Kim Ogg and Judge Lina Hidalgo. Ogg is aggressively pursuing violators of environmental laws, and Judge Hidalgo has taken a hard look at county operations, investing millions after an analysis after the ITC fire in March 2019 found gaps in the county’s capacity to respond.

People in Port Neches may be giving thanks that this disaster was not worse. But Monk’s statements should serve as a reminder of the heavy physical and psychological tolls that come with them. Why do we tolerate it? Industry acknowledges it is impossible to bring the disaster rate to zero. But, as Baker said, “It is imperative

that industry be accountable and held to the highest standard of compliance to ensure the safety of the state’s citizens and the protection of the environment.”

It’s his agency that could do that. Instead, Baker could say, ‘We, TCEQ, will hold industry accountable. We will hold them to the highest standard of compliance.’ Texans should not accept disasters as the cost of doing business. Texans should demand that industry and state and federal agencies make the necessary investments to protect our health and safety and stop allowing even one chemical disaster.

We should not have to live downwind of that.

Levin is Associate Director of Environmental Integrity Project and Shelley is Director of Public Citizen’s Texas office.

https://www.nola.com/news/environment/article_c0f0e308-186d-11ea-ae51-8b57d806b612.html

New Orleans youth join national climate strike, take demands to City Hall

BY SARA SNEATH | STAFF WRITER DEC 6, 2019 - 3:17 PM

1 of 3



Children attend the climate strike in New Orleans on Friday, Dec. 6, 2019.
(Photo by Sara Sneath.)

Photo by Sara Sneath

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About 200 protesters gathered outside City Hall in New

take action to curb greenhouse gas emissions.

Layla Harman, 16, skipped class at Benjamin Franklin High School and took a bus to attend the event with several classmates. "This is my future, and the city isn't taking it serious," she said. "We're here to tell them we're serious."

The event was organized by Sunrise New Orleans, which is urging city leaders to transition to 100% renewable energy and to stop Entergy from building a gas-fired power plant in New Orleans East. The group is also calling for the relocation of Gordon Plaza, a subdivision in the Desire neighborhood that was built on top of a former landfill.

 Gordon Plaza residents continue to press New Orleans mayor for city-funded relocation

Speakers were punctuated by drumming, singing and chants from the crowd. A table was set up to help register young voters.

Ezra Oliff-Lieberman, 23, one of the organizers of the event, said that he went to the mayor's office earlier this week to deliver the Sunrise New Orleans' demands and was met with "platitudes."

He and other strikers went to Mayor LaToya Cantrell's office again Friday after the rally. The mayor's staff listened to the young people but offered no concrete plans, he said.

"We're not looking for nice tweets," he said. "We're here for real action."

A group of students from the Waldorf School of New Orleans were among the youngest to attend the rally. One of them, Asaseyaa Aboagye, 11, said the focus needs to move away from "hope" and instead focus on the negative effects that climate change is having now.

"The climate crisis is a fact, and not an opinion," she said. "Our generation is demanding to act on this at once."

As the youngest activists were leaving the mayor's office Friday, Cantrell's staff handed them coloring books. Ida Schenck, 12, was among those to receive a book.

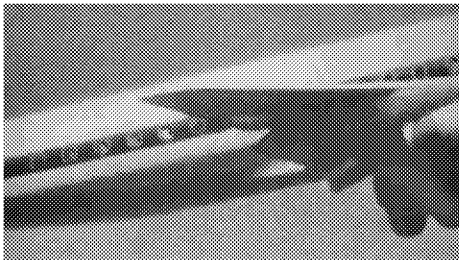
"It's patronizing that the mayor thinks we'll be happy with just getting coloring books. They're treating us like little kids," she said. "We came here for climate action, not coloring books."



Job Creation Has Another Rough Month in June

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Carbon-capture gambit: San Juan carbon capture project gains momentum

By Kevin Robinson-Avila / Journal Staff Writer

Monday, December 9th, 2019 at 12:02am



The San Juan Generating Station in northwestern New Mexico.

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Farmington and Enchant Energy Corp. are aggressively pursuing a plan to convert the coal-fired San Juan Generating Station into the world's largest carbon-capture and sequestration facility, despite broad skepticism about the project's feasibility and benefits.

The city signed an agreement in August with Enchant Energy for it to take over ownership of the power plant and retrofit it after Farmington acquires the facility from Public Service Company of New Mexico and three other co-owners, who plan to abandon San Juan in 2022. Farmington owns a 5% stake in the plant and wants it to remain open to continue consuming electricity from the facility, save nearly 500 jobs at the plant and nearby San Juan Coal Mine, and allow local tax income from plant operations to keep flowing.



Water vapor and carbon dioxide are the main things that come out of the units at the San Juan Generating Station following multiple environmental upgrades over the years. (Hannah Grover/The Daily Times)

Enchant Energy, a new company created this year by an out-of-state investment firm to pursue the project, says it can turn the plant into the nation's cleanest burning coal-fired facility for \$1.3 billion, capturing 6 million tons of carbon emissions annually by 2023. That would allow San Juan to meet state Energy Transition Act mandates that require operators to cut carbon emissions in half that year if the plant isn't shut down.

Tax credit payoff

Enchant says it could earn back double its investment through tax credits paid by the federal government for every ton of carbon captured and sequestered. It would cover operation and maintenance costs through the sale of carbon to oil and gas producers in the Permian Basin in southeastern New Mexico and West Texas for "enhanced oil recovery," whereby operators pump CO₂ into wells to help push up hydrocarbons from the ground. And it would sell excess electricity from the plant on the wholesale market.



Enchant Energy CEO Jason Selch

Enchant Energy CEO Jason Selch called San Juan the “best site in North America” for converting the nation’s next major coal plant into a carbon-capture and sequestration facility following the 2016 start up of the Petra Nova plant near Houston, which is currently the only such project up and running in the US.

Selch told the Journal’s editorial board in October that Enchant already has deals with a global engineering and construction firm to build the carbon-capture project on time and at a fixed cost, and with a major oil and gas company to buy all the carbon captured at the plant.

It also received approval in September for a \$2.7 million grant from the U.S. Department of Energy to conduct an in-depth, front-end engineering and design, or FEED, study to move the project forward.

Funding for studies

Enchant is contributing nearly \$800,000 in matching funds for the \$3.5 million study, which the company expects to complete over the next six months.

Enchant has yet to name the firms it made deals with because the contracts must still be finalized and signed, but it will soon, Selch said.

“We have a lot of announcements coming,” Selch told the editorial board. “...We expect to close on financing for the project in the second half of 2021, with construction starting early that year for the plant to come online in some part of 2023.”



The coal-fired San Juan Generating Station, near Farmington in northwestern New Mexico.

The company’s claims and the deal signed with Farmington have generated broad debate about the project’s prospects, impacting ongoing hearings at the Public Regulation Commission regarding PNM’s plans to shut San Juan and replace the electricity it provides with a mix of renewable resources and natural gas.

In the hearings, Farmington representatives have proposed the carbon-capture project as an alternative to PNM’s shutdown. Members of the PRC’s utility division staff have also recommended that the commission reject PNM’s current proposals because they didn’t include a cost-benefit analysis for retrofitting the plant with carbon capture to keep it running.

Plan called unrealistic

In response, PNM and environmental groups have filed extensive written testimony in the hearings that questions Farmington and Enchant Energy's plans as extremely unrealistic, both for PNM to pursue, or for the Farmington-Enchant partnership to undertake independently.

PNM Vice President of Generation Thomas Fallgren said PNM did analyze carbon-capture technology for San Juan in 2010 that showed it was uneconomic and highly risky, leading the utility to discard it in current proposals for San Juan.



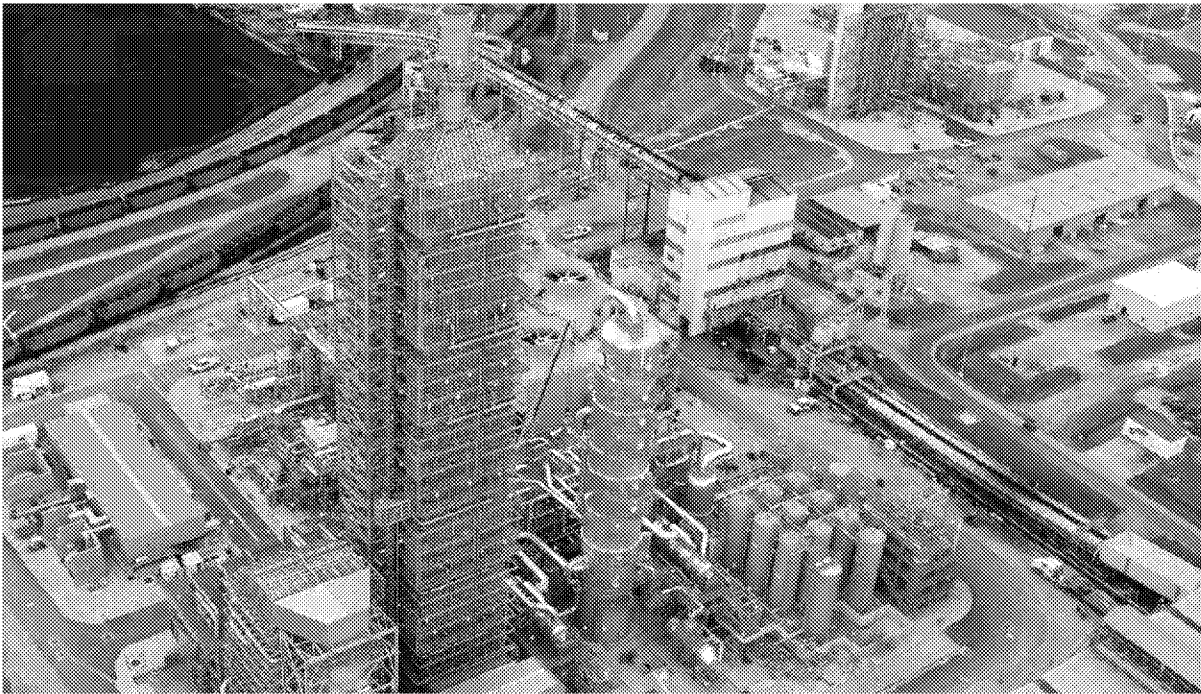
This structure at the San Juan plant captures fly ash from the generating process.

And in response to PRC staff concerns, PNM has now run new models for carbon capture that still show converting the plant to low-carbon generation would cost customers a lot more than pursuing the utility's proposal for shutdown and replacement resources, while deriving much fewer environmental benefits.

In the best-case scenario – assuming most of Enchant's financial and operation and maintenance projections are accurate – PNM estimates carbon-capture would cost the utility \$343 million more than shutting San Juan. That would reduce PNM's projected \$6.87 per month savings for average residential customers based on replacing the plant with cheaper renewable resources, to just 47 cents per month, Fallgren said.

Potential cost escalation

Using more conservative estimates on costs and benefits for carbon capture, which PNM considers much more realistic than Enchant's projections, carbon capture would cost \$1.3 billion more than shutting the plant, adding \$10.37 per month to the average residential bill, Fallgren said.



The Petra Nova coal-fired power plant, near Houston, uses carbon capture and storage. A company is proposing to turn the San Juan Generating Station, in northwestern New Mexico, into a similar operation. (Courtesy of NRG Energy)

That's because, apart from the direct investment to retrofit the plant, the carbon-capture technology would consume nearly 30 percent of the 497 megawatts of electricity that PNM receives from San Juan, meaning PNM would need to procure additional generation to continue meeting customer demand.

And, perhaps most important, PNM considers Enchant's \$1.3 billion retrofit cost projection "wildly" optimistic, Fallgren said. At Petra Nova, the coal plant retrofit came to \$1 billion. And at 240 MW, Petra Nova is just one-third the size of San Juan, which produces up to 850 MW.

"At the size of San Juan, installation costs would be two or three times more (than at Petra Nova), up to \$3 billion and maybe even \$4 billion," Fallgren said. "In our estimate, Enchant's initial capital cost projections are wildly optimistic."

In fact, massive cost overruns and delayed build-outs have, to date, forced nearly every other coal plant retrofit project in the U.S. to shut down.

Apart from unrealistic retrofit and operation costs, PNM says converting a large, aging coal plant like San Juan would pose many technological challenges and reliability risks.

90% capture claim

Enchant projects it could capture 90% of San Juan's carbon emissions, similar to performance at Petra Nova. That would reduce San Juan carbon emissions from 2,200 pounds per megawatt hour now to 249 per MWh.

Those estimates are based on a pre-feasibility study done for Enchant by Chicago-based engineering consultant Sargent & Lundy.



Petra Nova coal-fired carbon-capture power plant, near Houston, is one of only two operating power plants in the world with carbon capture and storage.

But that capture rate is unproven at a plant of San Juan's size, and if it doesn't meet the 90% goal, it would undercut Enchant's financial returns from federal tax credits. In case of a mechanical failure or underperformance in meeting the 90% goal, the entire carbon-capture unit might have to be taken offline for significant periods, said PNM Director of Integrated Resource Planning Nicholas Phillips.

"The question of a 90% capture rate is questionable," Phillips said. "...A big part of the uncertainty is how much disruption will result to plant operations after installing the carbon-capture units. Any operating interruption means lost revenues."

In addition, the carbon captured would be sold for oil enhancement recovery, offsetting the environmental benefits by producing yet another fossil fuel, Fallgren said. And PNM estimates a 60 percent increase in plant water usage because of filtration in the carbon-capture units.

Critical answers needed

Pat O'Connell, a senior policy analyst with Western Resource Advocates, said Enchant's forthcoming FEED study will have to answer many critical questions.

"I'm very skeptical whether any investment in this carbon-capture technology makes sense," O'Connell said. "It's very risky."

Selch said many factors significantly reduce the costs for carbon capture at San Juan, such as the plant's location close to an existing pipeline in Colorado that already runs CO₂ to the Permian Basin, plus the facility's abundant coal supply from the San Juan mine.

"It's a mine-mouth plant, which lowers costs," Selch said. "We estimate about \$100 million in annual operating costs, which comes out to between \$39 and \$43 per metric ton of carbon captured. That's 35% less than the estimated cost at Petra Nova."

As for initial investment, the company already has a deal with a global firm for an engineering, procurement and construction contract, which would lock that company into a fixed price and on-time delivery of all work, said Enchant's chief operating officer, Peter Mandelstam.

Turnkey conversion offer

“It’s a lump sum, turnkey contract,” Mandelstam said. “We can’t give the name yet, but we shook hands with the contractor, who said they will guarantee the budget. If not, it’s on them.”

The agreement with Farmington allows Enchant to acquire San Juan at no cost, because it will be turned over to Farmington when the other plant co-owners leave in 2022, although a settlement on liabilities must still be reached before the departing owners approve the transfer.

Enchant must still meet state and federal regulations to operate the plant, and environmentalists will likely oppose them at every turn, possibly foreshadowing difficult public hearings that could slow things down. But Enchant says it needs nothing from state government.

“We’re not seeking nor contemplating a nickel of state money, and we’re not looking for tax breaks,” Mandelstam said. “...There may be concerns from environmentalists, but we want to sit down with them. We believe this is a great environmental project that will help fight climate change and produce low-carbon electricity.”

Still, the company must yet convince investors to provide the \$1.3 billion in project costs upfront, based on a promise of earning future returns from federal tax payments.

Energy, Minerals and Natural Resources Cabinet Secretary Sarah Cottrell Propst said it’s too early to voice support or opposition to the project.

“We’re open to all opportunities for Farmington, as long as state and federal environmental laws are met,” Cottrell Propst told the Journal. “We need to know what the economics are and if it’s really viable in the long run...But we don’t have enough information to know that yet.”

Contact the writer.

Auto Racing

Police: Drag racing led to Des Moines man's crash death

Dec. 06, 2019 07:25 AM EST

DES MOINES, Iowa (AP) – Police in Iowa say a Des Moines man’s decision to drag race on Interstate 235 led to a crash that killed the other driver. The Des Moines Register reports that police charged 23-year-old Devin

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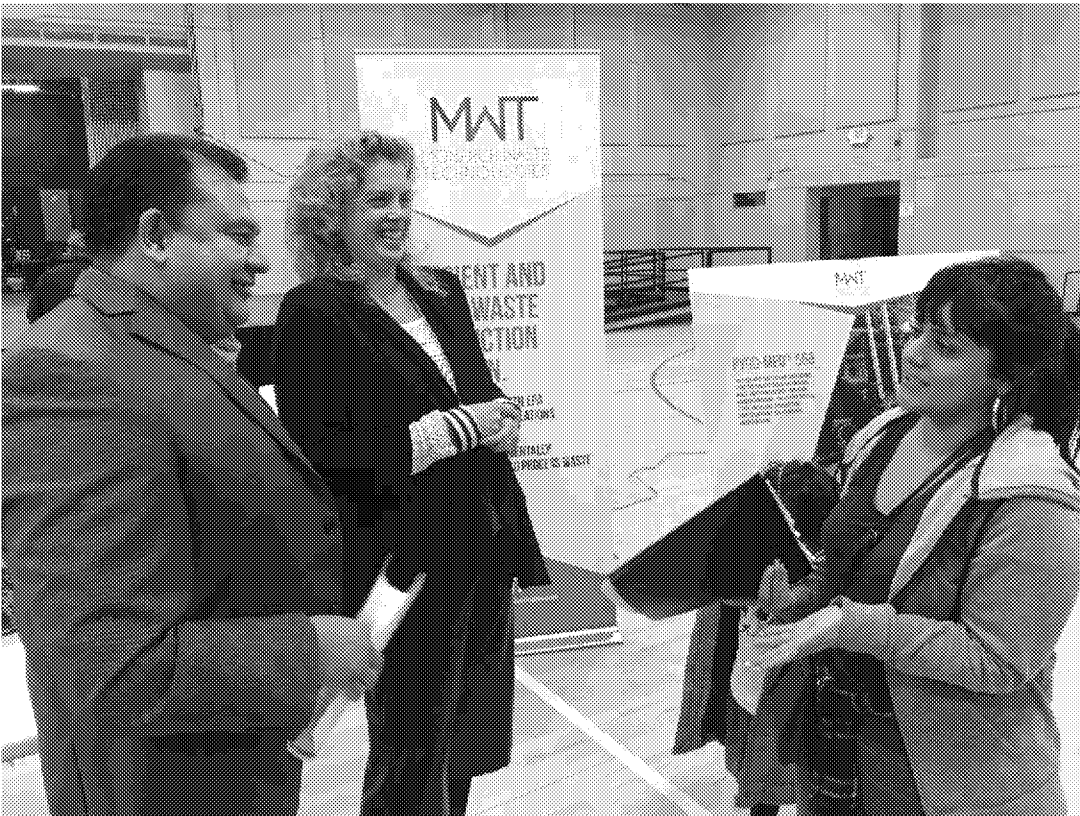
Dec. 05, 2019 08:40 PM EST



Los Alamos Reporter

The News from Los Alamos & Beyond

Nambe Tribal Member Raises Concerns About Monarch's Medical Waste Facility



Nambe Pueblo tribal member Marquel Musgrave, right, chats with Nambe Pueblo Gov. Philip Perez and New Mexico Environment Department Assistant General Counsel Tribal Liaison Kathryn Becker following Wednesday's meeting with EPA officials in Pojoarue. Photo by Maire O'Neill/losalamosreporter.com

BY MAIRE O'NEILL
maire@losalamosreporter.com

Nambe Pueblo tribal member Marquel Musgrave told EPA officials Wednesday that she is submitting a petition to the Tribal Council in opposition to the Monarch Waste Technologies hospital medical infection waste disposal facility on Nambe tribal land.

Musgrave made her comments during an public hearing conducted by the EPA at Pojoaque Middle School on Monarch's application for a permit under the Clean Air Act Title V. Monarch uses pyrolysis, an endothermic process that relies on an oxygen-depleted environment to bring about the chemical decomposition of waste materials. Some 20 people attended the meeting including a tribal liaison from the New Mexico Environment.

Monarch was approached by Nambe Pueblo Development Corporation in August 2016 and signed an initial lease for the 10,000 property which is located behind the Nambe Falls Travel Center, some three months later. At a prior public hearing in October, Nambe Pueblo Gov. Philip Perez made it clear that the corporation is a separate entity.

Musgrave's petition which she read at the meeting says that the Pueblo must take care of the land, air and water in line with the inherent responsibility of the Tewa people to live of and with the land. It asks that future projects that cause pollution or harm to the land, air, water or people be put up for referendum vote by community members.

"We ask that the Pueblo of Nambe focus on pursuing economic development opportunities that contribute to the sustainability of clean air, water and clean energy for the benefit of living in good relationship to our territory lands, our sister pueblos and surrounding communities, for the health and wellbeing of our people, our plant and animal relatives and future generations," Musgrave read. "We ask that action steps be taken to remove the current project that is not in line with these values which involves the involves the processing of medical waste including blood products, infectious waste, trace chemo, controlled substances and pharmaceuticals"

The petition asks the Tribal Council to change a previous resolution to discontinue Monarch operations

"The current Monarch Waste operation is not in line with our cultural values and we ask that it be removed and the area properly cleansed both practically and ceremonially," Musgrave concluded.

The biproduct of our pyrolysis is an inert carbon char. We landfill it. Showed sample. Talked about process in Japan where they produce diamonds from human corpses. Found they have blue tinge to them. Cesium. Blue tinge.

Bottom line of where we come from socially, you have no understanding of that, period. That's why that is very difficult for you because you're all fact. Not in our culture to do that. Doesn't belong on a reservation.

Mobile phone causes more of a blip on the Geiger counter than any of the locations around the facility. Radiation is not a concern.

Test this daily. Maintain a manifest so have good idea when it comes in.

Monarch processes pharmaceutical waste such as pills, injectables and antibiotics. Chemotherapy waste such as medications, partial doses, syringes, needles, gowns, gloves, aprons, tubing and packaging. Biohazard "red bag" waste including infectious waste, trace blood products, contaminated personal protective equipment, IV tubing, cultures and stacks are also processed as well as trace chemicals in empty vials, etc.

Monarch does not process hazardous waste, pathology waste or recognizable human body parts or animal body parts.

Monarch maintains that people can't get sick from their operations. They say their pyrolysis system processes at temperatures equivalent to the inside of a volcano which means nothing "alive" can survive.

There are two waste streams from the plant. The first is the char. Waste introduced into the system is reduced by 95 percent so for every 100 lbs introduced into the system, 5 lbs of char is left at the end and either transported to a local landfill or sold on the commercial market in various industries.

Air exhausted from the system is oxidized and the resulting hot air is used as a heat source for the pyrolysis before being cooled, dosed with a sodium bicarbonate/activated carbon mixture and passed through ceramic filters. The system has a continuous emission monitoring system and under EPA regulations, the emissions are checked every 15 minutes according to Monarch.

A man who lives close to the Monarch facility said he understands what Monarch's meter readings tell them.

"But the "sniff" test tells us the stuff is in the air we smell all the time," he said adding that the smell was worse "burning the biolab body parts."

"It had an odor to it," he said.

A consultant to Monarch responded that the olfactory system is more sensitive probably than any man-made system. He added that the ceramic filter used by the system has a 99.99 percent efficiency rate making it more efficient than a paper filter.

Asked if it she anticipated the EPA would decide to renew the permit, EPA representative Cynthia Kaleri said public comment is set to end on Jan. 3, 2020 and then EPA has to prepare a response on the comments that they received during the entire public comment period so that will take time. She said the decision could be made as early as two months after that.

In response to a question, Kaleri said the tribe has their cultural issue which to her is a big issue, "probably the biggest".

Asked about the inversion issue raised by Devin Bent of Nambe, she said that concern had been raised at the last meeting and is being looked at,

Yearout said that the amount of air Monarch actually emits from the exhaust fan is 564 cfm which is the amount of air that comes out of 5.5 hair dryers running simultaneously, so it is not a lot of air

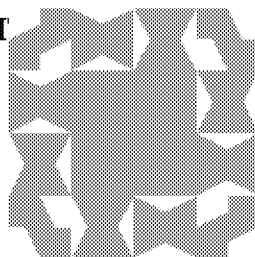
"So when you talk about the inversion and the amount of air going into that to get trapped, it's a very small amount. You would actually have to run our system 12 hours straight just to fill up this (gymnasium) with air. So when you start thinking about the expanse in an inversion, it's a small, small amount of air,"

he said.

Heard about Nambe from a different pueblo and were contacted by the Nambe Pueblo Economic Development corporation saying they would like to have us here and here's a facility for you and then we started negotiations.

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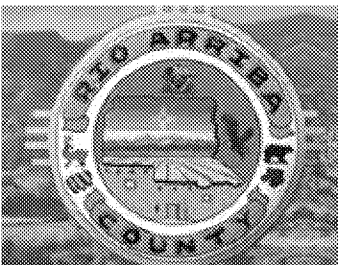
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The News from Los Alamos & Beyond

Meeting Thursday In Espanola On EPA, NMED Handling Of Local Superfund Site



RIO ARRIBA COUNTY NEWS

The Rio Arriba Community Health Council has jumped into action after hearing a presentation by a local student attending University of New Mexico Law School. Mara Yarbrough had decided to research the Española Superfund Site for a class in environmental law.

The site was designated after a local dry-cleaner leaked carcinogenic chemicals called chlorinated solvents into the groundwater, creating three toxic plumes: a shallow plume, an intermediate plume and a deep plume.

Yarbrough spent a year researching, and then reported to the council that while the EPA had used "pump and treat" technology to successfully remediate a similar plume in Albuquerque, they opted for a much less expensive and less effective remediation in Española which involved injecting vegetable oil into the groundwater to encourage bacteria to break down the chemicals.

While chlorinated solvents reached safe levels in much of the shallow plume, carcinogens have become more concentrated in parts of the shallow and intermediate plumes, and the remedy did not function as designed in the deep plume, limiting Española's options for new wells for drinking water.

Yarbrough’s class project raised enough local concern that the County of Rio Arriba engaged the UNM Law Clinic and her professor, Professor Clifford Villa, to assist them to engage NMED and the EPA to more aggressively address the toxic plume.

“Our community needs to be heard,” stated Rio Arriba Health and Human Services Director, Lauren Reichelt, who also owns a private well that has been contaminated by the plume. “In addition to creating problems for residents in developing sources for clean drinking water, the ongoing pollution has made it impossible to eliminate blight on our Mainstreet. A pre-school, a grocery store, a fitness center, the school administration building and many residences are located near or above the plumes. It seems to me that these agencies feel less urgency addressing our impoverished rural community than they might if we were located in Albuquerque. That’s not acceptable.”

The EPA is planning a meeting with the community to discuss their progress and their cessation of funding for the project at 5 p.m. Thursday, Dec. 11 at the Beatrice Martinez Senior Center, 735 Vietnam Veterans Road in Espanola. A large crowd is expected and it is hoped that the community will be afforded an opportunity to speak.

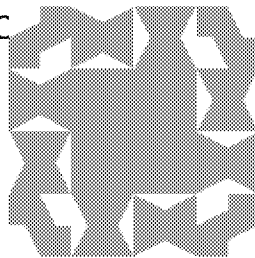
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Protecting our water is protecting our future

By Nathan P. Small Dec 7, 2019

Safeguarding freshwater is something all New Mexicans support, because we know water is life. House Bill 546, which I was proud to sponsor and see pass this session, was based on a shared understanding from diverse stakeholders of the sanctity of our state's water.

HB 546, including the Produced Water Act and Fluid Oil and Gas Waste Act, does four core things. It creates a transparent system for control, liability, treatment and reuse of produced water resulting from oil and gas operations; empowers public health and environment regulators to create and manage strong and safe processes governing treatment and reuse of produced water; sets guidelines and supports for using more recycled/treated produced water replacing freshwater for oil and gas drilling operations; and restores the Oil Conservation Division's authority to impose penalties for violations.

HB 546 does not — I repeat, does not — mean that recycled or treated produced water can now be used in agriculture or anywhere outside of oil and gas operations. With HB 546, the use of treated produced water outside of oil and gas operations, for any purpose, is subject to the New Mexico Environment Department and the Water Quality Control Commission.

State and federal safety standards apply to any potential future use outside of oil and gas operations. Stringent standards and sound science, structured through a rule-making process guided by public input, will govern fully how or even if produced water is treated and used outside of oil and gas operations. Science and safety must guide this rule-making process.

New Mexico State University and its researchers are leading this science through the Produced Water Research Consortium with the New Mexico Environment Department. NMSU's expertise was recognized recently through its central role for brackish water research funded by the EPA and the Department of Energy. I appreciate the initial listening sessions that the New Mexico Environment Department is holding across New Mexico, working with the Energy Minerals and Natural Resources Department and the Office of the State Engineer. These sessions precede any rule-making, and I strongly support the commitment to transparency, public input and progress led by NMED and Gov. Michelle Lujan Grisham's administration.

The amount of freshwater used for drilling and produced water that is a byproduct of oil and gas operations in the Permian and Delaware basins are staggering. In New Mexico, production generates an average of four barrels of produced water for every barrel of oil that is produced. In 2018 alone, 42 billion gallons of produced water were created, and 2019 estimates are higher.

This current rate of freshwater use and produced-water disposal is unsustainable. Experts and stakeholders in the oil and gas industry know overall water usage is only increasing, so it's important that usage of treated produced water has increased following HB 546's passage. Game-changing opportunities, like the extraction of lithium for battery storage and renewable energy, beckon largely because of HB 546.

HB 546 won't mean one more or one less oil well is drilled. It will mean hundreds of millions of gallons of freshwater are not used in oil and gas operations. All of that freshwater will remain available to drink, for agriculture, for cultural purposes and for the environment.

As New Mexicans, we value our environment and work hard to protect our most precious natural resource — our water. This legislation provides much needed oversight within oil and gas operations. Supporting reuse and recycling produced water for use within oil and gas operations will ensure clean-water safeguards well into our future. And I'm excited to support and see responsible regulation and independent science guide the next steps in these important efforts.

Nathan Small is a third generation New Mexican from a family of educators and ranchers. From 2006-18 he helped lead the effort to protect the Organ Mountains-Desert Peaks National Monument and wilderness areas. Nathan represents House District 36 in Doña Ana County. Learn more and submit input at env.nm.gov/new-mexico-produced-water.

Inez Russell Gomez

Editorial Page Editor

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Dicamba rules of usage focus of Little Rock meeting

Farmers, conservationists, others expected to join talks

by *Stephen Steed* | December 8, 2019 at 2:04 a.m.

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Soybeans in a Mississippi County field show signs of herbicide damage in this photo taken in June 2018. - Photo by Stephen Steed

The state Plant Board expects another big crowd Wednesday when it meets at a Little Rock hotel to hash out rules for the use of dicamba next crop season.

The board has recommended a May 25 cutoff date on spraying a herbicide that, while effective against weeds now resistant to other herbicides, can damage or kill other vegetation, including fruits and vegetables, and ornamental shrubs and trees.

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The hearing begins at 9:30 a.m. in the main ballroom of the Embassy Suites hotel in west Little Rock. Two other public hearings on dicamba have been held there, each one attracting 250 to 300 farmers, conservationists and others. The ballroom seats about 500.

This year's cutoff date also was May 25, yet the board received 210 complaints of dicamba damage.

The board received some 470 comments from the public during a 30-day comment period that ended Nov. 30.

Only a dicamba manufacturer -- Bayer -- and a lone farmer wrote to say that farmers needed a longer spraying season, according to a listing of comments on the state Department of Agriculture's website.

One comment came from a dicamba critic and agriculture director of Red Gold, an Indiana tomato processor. Steve Smith, who also is chairman of the Save Our Crops coalition, said the May 25 cutoff was a good compromise.

All other comments, most of them generated in an email campaign waged by Audubon Arkansas, said the board should set an April 15 cutoff date and limit dicamba's use to the "burndown" period, or when fields are prepped before planting.

Weed scientists in Arkansas and other states say all formulations of dicamba, including new versions by Bayer and other companies, have a tendency to move off target hours or days after application with the rise in temperatures and humidity.

Some farmers who plant dicamba-tolerant soybeans and cotton say dicamba's use during the height of the growing season is their only defense against pigweed.

The Plant Board has wrestled with dicamba since at least 2016, when there were no dicamba formulations approved by the federal Environmental Protection Agency for in-crop use on dicamba-tolerant soybeans and cotton.

Monsanto, now owned by Bayer, developed the dicamba-tolerant seeds and put them on the market in 2015 (cotton) and 2016 (soybeans), even though its XtendiMax dicamba was still being evaluated by the EPA.

Without an EPA-approved dicamba, some farmers in Arkansas and other states who planted the dicamba-tolerant crop systems also sprayed older, more volatile formulations of the herbicide. Other varieties of soybeans and cotton are susceptible to dicamba.

The Plant Board received 31 complaints in 2016, a crop year that reached its lowest point when an Arkansas farmer was shot and killed that harvest during a dispute over dicamba damage to his crops.

Complaints mounted to more than 1,000 in 2017, prompting a mid-season emergency ban on dicamba's use. The board has received about 200 complaints for each of the 2018 and 2019 crop seasons.

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In normal times, the Plant Board meets quarterly, but the hearing Wednesday will be the board's 31st meeting since Sept. 30, 2016, with almost all of those meetings focused on dicamba.

IN-CROP DICAMBA

"I am sympathetic to the farmer's wanting to clean up their fields, however the damage dicamba is doing [throughout] the state is unreasonable," Jerry W. Brown of Walnut Ridge wrote. "I have a small vegetable garden and since this chemical has been used in my area my garden efforts have been useless."

Audubon Arkansas' campaign garnered similar comments from hundreds of others.

The conservation group this summer dispatched staff and volunteers across the Arkansas Delta to scout for dicamba damage on public lands such as parks and wildlife management areas, roadside ditches and cemeteries.

In a report to the Plant Board in September, Audubon Arkansas detailed 243 "observations of apparent dicamba symptomology on a variety of plants across 17 eastern Arkansas counties." Plant species affected were sycamore, oak, maple, redbud, hackberry, mulberry, muscadine, morning glory, peppervine and trumpet vine, the group said, noting all those species are vital to the health of birds, bees and other animals.

Bayer has contended that its dicamba is safe, as long as farmers adhere to the lengthy directions for application, and said complaints in Arkansas and other states have declined as part of a learning curve. Other dicamba formulations approved by the EPA for in-crop use are Engenia by BASF, FeXapan by DowDuPont and Tavium by Syngenta.

Most damage likely goes unreported, Dan Scheiman, Audubon Arkansas' bird conservation director wrote to the Plant Board.

"Whether or not a complaint results in a violation, someone's property has been damaged, often without compensation," the group said. "Yet the number of misuse complaints due to damage to private property you receive is an under-representation of the extent of dicamba's off-target impacts, limited by the number of inspectors proactively investigating and number of citizens willing to file a complaint."

Along with a May 25 cutoff, the board has proposed requiring applicators to equip their spray rigs with a GPS device to map when and where dicamba is applied. It also recommended a mile buffer between fields where dicamba is applied and fields with "susceptible" crops and specialty and organic crops. A mile buffer also is proposed for dicamba-sprayed fields and their distance to research stations.

Similar buffers were in place this year and did little good, according to critics, who point to the number of complaints filed deep into the growing season and who believe the late damage shows that some farmers disregarded the spray ban.

The EPA has approved in-crop dicamba use through 2020. States can tighten, but not loosen, the federal restrictions.

Bayer, in wanting a longer spraying season for farmers who plant the Xtend dicamba-tolerant system, also opposes the buffers and the requirement of a GPS device. A Bayer senior vice president, Scott Partridge, said the GPS requirement "would impose unnecessary financial costs" on Arkansas growers.

TANK CONTAMINATION

Jason Norsworthy, a weed scientist for the University of Arkansas' Agriculture Division, had to shut down his plots at UA's research center in Mississippi County this summer after they were hit by dicamba. He moved his experiments to Prairie Grove.

During an hourlong presentation last week to the Plant Board, Norsworthy said his experiments continued to show dicamba's "volatility," or ability to move off applied plants. He also pushed back against claims this summer by some farmers and at least one board member, Sam Stuckey of Clarkedale, that the damage in Keiser was caused by tank contamination.

Norsworthy said damage was uniform across the field, indicative of a wide swath of off-target movement of dicamba. He also said the research station hasn't used dicamba in a sprayer since June 2018.

A weed scientist at the University of Illinois also has debunked the tank-contamination theory, Norsworthy said.

In a blog report this summer, Aaron Hager noted that some 3,000 applicators are licensed in Illinois.

"It's logical to conclude that each of these 3,000 applicators operates a spray rig, so is industry suggesting that hundreds of agrichemical facilities and thousands of tender trucks and application

equipment in Illinois are contaminated?" Hager wrote Aug. 2, when Illinois regulators had received about 200 complaints of dicamba damage.

"[Does] anyone have physical evidence of this, or is it just more speculation? If contamination is the cause of even half the instances of soybean leaf cupping, commercial applicators might question the prudence and legal ramifications of applying a product that seemingly cannot be removed from their chemical formulation, transportation and application equipment."

After Norsworthy's presentation and conclusion of the meeting, Ford Baldwin, a retired UA weed scientist, said, "Either you believe the science or you don't."

The Plant Board has 16 members, including two who don't have voting privileges. Nine votes will be needed Wednesday to approve a new rule.

A public hearing in February that led to this year's dicamba rules lasted nearly nine hours, and finished with a flurry of motions and votes that left board members and those in the audience scribbling notes on the margins of copies of the proposed rules.

This year, the members will sit in a "V" formation of tables, rather than along a straight line of tables, to make discussion easier. A screen and projector also will be set up, allowing staff members to make any real-time adjustments clearer for board members and the audience.

SundayMonday Business on 12/08/2019

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